

Docket No.: 205001US2S



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/811,449
Applicant: Yutaka OKAMOTO
Filing Date: March 20, 2001
For: DIGITAL DATA PLAY BACK
APPARATUS AND METHOD
FOR PLAYING BACK DIGITAL DATA
Group Art Unit: 2616
Examiner: ONUAKU, C.
Date Allowed: December 2, 2004

ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

CHRISTOPHER D. WARD
SENIOR ASSOCIATE
(703) 413-3000
CWARD@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

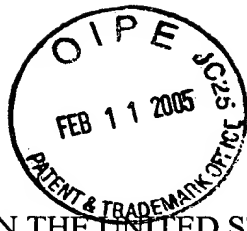
(703) 413-3000 (phone)

(703) 413-2220 (fax)

Christopher D. Ward

Registration No. 41,367

205001US2S



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
Yutaka OKAMOTO : EXAMINER: ONUAKU, C.
SERIAL NO: 09/811,449 : DATE ALLOWED: December 2, 2004
FILED: March 20, 2001 : GROUP ART UNIT: 2616
FOR: DIGITAL DATA PLAY BACK :
APPARATUS AND METHOD
FOR PLAYING BACK
DIGITAL DATA

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

The following comment is in response to the Statement of Reasons for Allowance provided in the Notice of Allowability dated December 2, 2004.

The Statement of Reasons For Allowance included on page 2 of the Notice of Allowability states that “[r]egarding claim 1, the invention relates to an improvement of a digital data play back apparatus and a method for playing back digital data which is optically, magnetically or opto-magnetically recorded on a recording medium such as a disc or the like.” The Applicant, however, that Claim 1 does not recite *an improvement of* a method for playing back digital data *which is optically, magnetically or opto-magnetically recorded on a recording medium such as a disc or the like*, as suggested by this statement.

Additionally, the Statement of Reasons For Allowance included on page 3 of the Notice of Allowability states that “[r]egarding claim 8, the invention relates to an improvement of a digital data play back apparatus and a method for playing back digital data

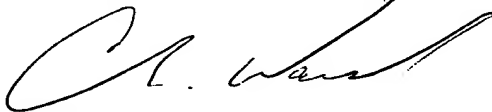
Application Serial No.: 09/811,449
Yutaka OKAMOTO

which is optically, magnetically or opto-magnetically recorded on a recording medium such as a disc or the like.” The Applicant, however, that Claim 8 does not recite *an improvement of a digital data play back apparatus* for playing back digital data *which is optically, magnetically or opto-magnetically recorded on a recording medium such as a disc or the like*, as suggested by this statement.

The Applicant submits that the above statements do not describe the claimed subject matter recited in allowed independent Claims 1 and 8 of the present application. Accordingly, it is respectfully submitted that the Statement of Reasons for Allowance does not accurately reflect the subject matter recited in Claims 1 and 8, and thus the Applicant submits that these statements in the Statement of Reasons for Allowance are not applicable to the claims.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

EHK:CDW:brf
I:\atty\cdw\205001US2S\Comments.doc



Dept.: E/M

By: EHK/CDW/brf

OSMM&N File No. 205001US2S

Serial No. 09/811,449

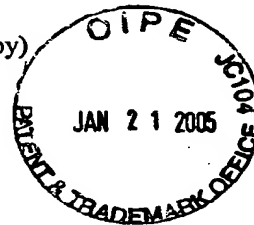
In the matter of the Application of: Yutaka OKAMOTO

For: DIGITAL DATA PLAY BACK APPARATUS AND METHOD FOR
PLAYING BACK DIGITAL DATA

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

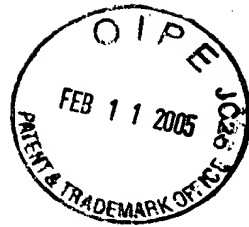
- Cover Sheet
- PETITION UNDER 37 C.F.R. § 1.181
- Filing Receipt date-stamped 3/20/01 (Courtesy Copy)
- Information Disclosure Statement (Courtesy Copy)
- Statement of Relevancy (Courtesy Copy)
- PTO-1449 (Courtesy Copy)
- 2 Cited References (Courtesy Copy)
- Dep. Acct. Order Form



COPY

BEST AVAILABLE COPY

Docket No.: 205001US2S



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/811,449
Applicant: Yutaka OKAMOTO
Filing Date: March 20, 2001
For: DIGITAL DATA PLAY BACK
APPARATUS AND METHOD
FOR PLAYING BACK DIGITAL DATA
Group Art Unit: 2616
Examiner: ONUAKU, C.
Date Allowed: December 2, 2004

ATTORNEYS AT LAW
ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

CHRISTOPHER D. WARD
SENIOR ASSOCIATE
(703) 413-3000
CWARD@OBLON.COM

SIR:
Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. § 1.181
Filing Receipt date-stamped 3/20/01 (Courtesy Copy)
Information Disclosure Statement (Courtesy Copy)
Statement of Relevancy (Courtesy Copy)
PTO-1449 (Courtesy Copy)
2 Cited References (Courtesy Copy)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Christopher D. Ward
Registration No. 41,367

205001US2S



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Yutaka OKAMOTO

: EXAMINER: ONUAKU, C.

SERIAL NO: 09/811,449

: DATE ALLOWED: December 2, 2004

FILED: March 20, 2001

: GROUP ART UNIT: 2616

FOR: DIGITAL DATA PLAY BACK
APPARATUS AND METHOD
FOR PLAYING BACK
DIGITAL DATA

:

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

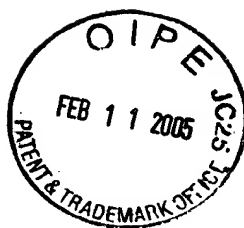
SIR:

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

The Applicant respectfully petitions in accordance with 37 C.F.R. §1.181(a)(3) to compel consideration by the Examiner of the reference cited in the Information Disclosure Statement (IDS) filed on March 20, 2001, a re-signed copy of which is attached as well as a date-stamped filing receipt.

The Applicant notes that the Notice of Allowance dated December 2, 2004, did not include a copy of the IDS filed on March 20, 2001. Accordingly, the Applicant requests a copy of the IDS filed on March 20, 2001, that is signed and dated by the Examiner as being considered as required under MPEP 609 III. C. 2., in order to clarify that the Japanese reference cited in the IDS has been considered and made of record.

Application Serial No.: 09/811,449
Yutaka OKAMOTO



It is respectfully requested that this Petition under 37 C.F.R. §1.181 be granted and the Examiner compelled to provide the Applicant with a signed and dated copy of the IDS filed on March 20, 2001.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870
Attorney of Record

Christopher D. Ward
Registration No. 41,367

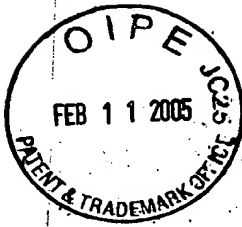
Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

EHK:CDW:brf
I:\atty\cdw\205001US2S\Petition.doc

COPY



ANZ

Dept.: PP/IE

By: MIS/sh

OSMM&N File No. 205001US2S

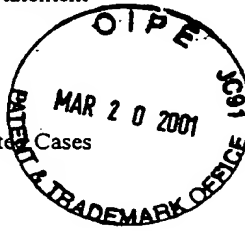
Serial No. NEW APPLICATION

In the matter of the Application of: Yutaka OKAMOTO

For: DIGITAL DATA PLAY BACK APPARATUS AND METHOD FOR
PLAYING BACK DIGITAL DATA

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 71 pp. Specification 14 Claims/Drawings 24 Sheets (Formals)
 - and 1 page Application Data Sheet
- Combined Declaration, Petition & Power of Attorney 2 pages
- ☐ List of Inventor Names and Addresses
- Utility Patent Application Transmittal ☐ CPA
- Notice of Priority ☐ Priority Doc
- Check for \$750.00 ☐ Dep. Acct. Order Form
- Fee Transmittal Form
- Assignment/PTO 1595 pages: 3
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- Information Disclosure Statement ☐ PTO-1449
- Cited References (2)
- ☐ Search Report
- Statement of Relevancy
- ☐ IDS/Related/List of Related Cases
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐
- ☐



COPY

Due Date: 12/19/01

BEST AVAILABLE COPY

Docket No. 205001US2S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



IN RE APPLICATION OF: Yutaka OKAMOTO

SERIAL NO: NEW APPLICATION

FILED: Herewith

FOR: DIGITAL DATA PLAY BACK APPARATUS AND METHOD FOR PLAYING BACK DIGITAL DATA

GAU:

EXAMINER:

INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McTELLAND,
MAIER & NEUSTADT, P.C.

Marvin J. Spivak
Registration No.

24,913



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/98)

DOCKET NO.: 205001US2S



page 1 of 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yutaka OKAMOTO

SERIAL NO.: New Application

FILED: Herewith

FOR: DIGITAL DATA PLAY BACK APPARATUS AND METHOD FOR PLAYING
BACK DIGITAL DATA

STATEMENT OF RELEVANCY

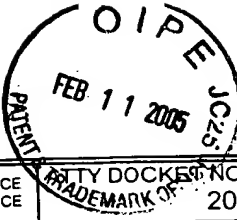
Reference AA (4,890,299) on Form PTO-1449:

This document discloses a system wherein 5 to 7 amplitude values of a PR equalization waveform are converted to 3 values, and a timing is recovered based on the converted amplitude values. This invention is different from the present invention wherein a timing is extracted from the PR equalization waveform without converting the amplitude values.

Reference AO (2000-195191) on Form PTO-1449:

This document relates to a timing acquisition method for a PR-class equalization waveform with 2 to 3 amplitude values. This method cannot be applied to a PR-class equalization waveform with 5 to amplitude values.

COPY

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEPATENT DOCKET NO.
TRADEMARK NO. 205001US2SSERIAL NO.
NEW APPLICATION

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Yutaka OKAMOTO

FILING DATE

Herewith

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	4,890,299	12/26/89	Francois B. DOLIVO, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	2000-195191	7/14/00	Japan		X
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.